

ASSEMBLY BILL

No. 1728

Introduced by Committee on Transportation (Nava (Chair), Duvall (Vice Chair), Carter, DeSaulnier, Galgiani, Garrick, Horton, Houston, Huff, Karnette, Portantino, Ruskin, Solorio, and Soto)

March 8, 2007

An act to amend Sections 12810.5 and 13005 of the Vehicle Code, relating to identification cards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1728, as introduced, Committee on Transportation. Vehicles.

(1) Under existing law, a person who holds a class A or class B driver's license and has an endorsement for a tank vehicle is exempt from being presumed to be a prima facie negligent operator based on that person being found at a hearing to have a driving record violation point count of 6 or more points in 12 months, 8 or more points in 24 months, or 10 or more points in 36 months.

This bill instead would exempt a person who holds a class A or class B driver's license and an endorsement for a vehicle carrying hazardous materials, rather than tank vehicle, from the application of the presumption.

(2) Existing law prohibits a contract from being let to a nongovernmental entity for the processing of identification cards unless the Department of Motor Vehicles receives 2 or more qualified bids from independent, responsible bidders.

This bill would recast this provision to prohibit the awarding of that contract unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12810.5 of the Vehicle Code is amended
2 to read:

3 12810.5. (a) Except as otherwise provided in subdivision (b),
4 a person whose driving record shows a violation point count of
5 four or more points in 12 months, six or more points in 24 months,
6 or eight or more points in 36 months shall be prima facie presumed
7 to be a negligent operator of a motor vehicle. In applying this
8 subdivision to a driver, if the person requests and appears at a
9 hearing conducted by the department, the department shall give
10 due consideration to the amount of use or mileage traveled in the
11 operation of a motor vehicle.

12 (b) (1) A class A or class B licensed driver, except persons
13 holding certificates pursuant to Section 12517, 12519, 12523,
14 12523.5, or 12527, or an endorsement issued pursuant to paragraph
15 (2) or ~~(4)~~ (5) of subdivision (a) of Section 15278, who is presumed
16 to be a negligent operator pursuant to subdivision (a), and who
17 requests and appears at a hearing and is found to have a driving
18 record violation point count of six or more points in 12 months,
19 eight or more points in 24 months, or 10 or more points in 36
20 months is presumed to be a prima facie negligent operator.
21 However, the higher point count does not apply if the department
22 reasonably determines that four or more points in 12 months, six
23 or more points in 24 months, or eight or more points in 36 months
24 are attributable to the driver's operation of a vehicle requiring only
25 a class C license, and not requiring a certificate or endorsement,
26 or a class M license.

27 (2) For purposes of this subdivision, each point assigned
28 pursuant to Section 12810 shall be valued at one and one-half times
29 the value otherwise required by that section for each violation
30 reasonably determined by the department to be attributable to the
31 driver's operation of a vehicle requiring a class A or class B license,
32 or requiring a certificate or endorsement described in this section.

33 (c) The department may require a negligent operator whose
34 driving privilege is suspended or revoked pursuant to this section
35 to submit proof of financial responsibility, as defined in Section

1 16430, on or before the date of reinstatement following the
2 suspension or revocation. The proof of financial responsibility
3 shall be maintained with the department for three years following
4 that date of reinstatement.

5 SEC. 2. Section 13005 of the Vehicle Code is amended to read:

6 13005. (a) The identification card shall resemble in appearance,
7 so far as is practicable, a driver's license issued pursuant to this
8 code. It shall adequately describe the applicant, bear his or her
9 picture, and be produced in color or engraved by a process or
10 processes that prohibit, as near as possible, the ability to alter or
11 reproduce the identification card, or prohibit the ability to
12 superimpose a picture or photograph on the identification card
13 without ready detection.

14 (b) (1) Upon issuance of a new identification card, or renewal
15 of an identification card, the department shall provide information
16 on organ and tissue donation, including a standardized form to be
17 filled out by an individual who desires to enroll in the California
18 Organ and Tissue Donor Registry with instructions for mailing
19 the completed form to the California Organ and Tissue Donor
20 Registrar established pursuant to subdivision (a) of Section 7152.7
21 of the Health and Safety Code.

22 (2) The enrollment form shall be simple in design and shall be
23 produced by the department, in cooperation with the California
24 Organ and Tissue Donor Registrar, and shall require all of the
25 following information to be supplied by the enrollee:

26 (A) Date of birth, sex, full name, address, and home telephone
27 number.

28 (B) Consent for organs or tissues to be donated for transplant
29 after death.

30 (C) Any limitation of the donation to specific organs or tissues.

31 (3) The form shall also include a description of the process for
32 having a name removed from the registry, and the process for
33 donating money for the benefit of the registry.

34 (4) The registry enrollment form shall be posted on the Web
35 sites for the department and the California Health and Human
36 Services Agency.

37 (5) The form shall constitute a legal document under the
38 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with
39 Section 7150) of Part 1 of Division 7 of the Health and Safety
40 Code).

1 (6) The registrar shall ensure that all additions and deletions to
2 the registry shall occur within 30 days of receipt.

3 (7) Information obtained by the registrar for the purposes of
4 this subdivision shall be used for these purposes only and shall not
5 further be disseminated by the registrar.

6 (c) ~~No A contract may be let to any~~ *shall not be awarded to a*
7 *nongovernmental entity for the processing of identification cards*
8 *unless the department receives two or more qualified bids from*
9 *independent, responsible bidders contract conforms to all*
10 *applicable state contracting laws and all applicable procedures*
11 *set forth in the State Contracting Manual.*